

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.301 of 2017

Arising Out of PS. Case No.- Year- Thana- District-

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1. Manoj Kumar Singh
 2. Pramod Kumar Singh, Both are son of Sri Hari Nath Singh, resident of Village- Laxmipur, P.S.- Bhitaha, District- West Champaran.

... .. Petitioners

Versus

1. The State Of Bihar Through The Director General Of Police
2. The Collector-cum-District Magistrate, District- West Champaran.
3. The Superintendent of Police, District- West Champaran.
4. D.C.L.R., Bagha, West Champaran.
5. Circle Officer, Madhubani, District- West Champaran.
6. Officer Incharge, Dhanha Police Station, West Champaran.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Sachindra Kumar Tiwary
For the Respondent/s : Mr.Md. N.H. Khan Sc-1

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 10-07-2019

This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioners for issuance of a direction to the respondents to remove the encroachment from the encroachers in view of order dated 17.06.2013 passed in Land Dispute Resolution Case No. 8 of 2013/14 whereby the respondent no.4 has directed the respondent no.5 to take necessary steps for removal of encroachment.

2. Learned counsel for the petitioner has submitted that pursuant to the order dated 17.06.2013 passed by the respondent no.4, the respondent no.5 issued Memo No. 774 dated 19.12.2013



directing the respondent no.6 to provide police force so that encroachment can be removed. However, till date, police force has not been provided for removal of the encroachment.

3. The application filed by the petitioner has been contested by the State.

4. A counter affidavit has been filed on behalf of the respondent nos. 2, 4 and 5 wherein it has been stated that in compliance of the order dated 17.06.2013 passed by the respondent no.4 in BLDR Case No. 08 of 2013-14, the respondent no.5 had issued Memo No. 774 dated 19.12.2013 directing the respondent no.6 for providing police force for removal of the encroachment from the said land. The land in question had been encroached by 84 persons. Out of them, encroachments made by 82 encroachers have been removed. In the meantime, one of the encroachers, namely, Shrawan Yadav had filed Title Suit No. 118 of 2017 against the petitioners for declaration of right and title over the entire land in question measuring 2 bighas 9 kathas 7 dhurs and after hearing the parties, the learned Sub-Judge-I, Bagaha, West Champaran has passed order dated 03.04.2019 whereby the authority concerned has been ordered to maintain status quo over the land in question till final adjudication of the title suit under consideration.



5. The averments made in the counter affidavit have not been disputed by the learned counsel for the petitioner.

6. Since an order of injunction has been passed by the court of competent jurisdiction and the matter is sub judice before the learned Sub-Judge-I, Bagaha, West Champaran, no writ can be issued against any of the respondents for removal of encroachment as ordered by the respondent no.4. That apart, writ jurisdiction of this Court cannot be invoked for execution of an order passed by any subordinate court or authority.

6. The application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11-07-2019
Transmission Date	11-07-2019

